

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 24-2094 JGB (DTBx)** Date December 17, 2024

Title ***Elizabeth Sutton v. Reliance Standard Life Insurance Company***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

MAYNOR GALVEZ

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause re Dismissal for Failure to Prosecute
(IN CHAMBERS)**

On October 1, 2024, Plaintiff Elizabeth Sutton (“Plaintiff”) filed a complaint against Defendant Reliance Standard Life Insurance Company (“Defendant”). (“Complaint,” Dkt. No. 1.) On October 9, 2024, Plaintiff served the summons and Complaint on Defendant. (Dkt. No. 9.) Defendant’s answer was due no later than October 30, 2024. (*Id.*) To date, Defendant has not answered the Complaint. Plaintiff has also not filed a request for entry of default.

Federal Rule of Civil Procedure 41(b) grants the Court authority to *sua sponte* dismiss actions for failure to prosecute or failure to comply with court orders. *See* Fed. R. Civ. P. 41(b); *Wolff v. California*, 318 F.R.D. 627, 630 (C.D. Cal. 2016). A plaintiff must prosecute her case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). *Anderson v. Air W., Inc.*, 542 F.2d 522, 524 (9th Cir. 1976). Here, it appears that Plaintiff has failed to prosecute the case with reasonable diligence because she has failed to request an entry of default as to Defendant for over one month.

Accordingly, the Court **ORDERS** Plaintiff, **on or before January 3, 2025**, to request an entry of default as to Defendant or to show cause in writing as to why she has not requested an entry of default. Failure to comply with this order may result in dismissal of the action. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument.

IT IS SO ORDERED.